

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS MIDLAND-ODESSA DIVISION

DANIELLE D. SPEARS, Plaintiff,

v.

NEXT BRIDGE HYDROCARBONS, INC., GREGORY MCCABE, JOHN BRDA, SECURITIES AND EXCHANGE COMMISSION, JANE DOE 1-20, JOHN DOE 1-20, Defendants.

Case No.: 7:24-cv-321

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND EXTENSION OF TIME TO SERVE DEFENDANTS

TO THE HONORABLE JUDGE DAVID COUNTS:

Plaintiff **Danielle D. Spears** respectfully submits this **Motion for Leave to File a Second Amended Complaint** pursuant to **Federal Rule of Civil Procedure 15(a)(2)** and for an **Extension of Time to Serve Defendants** pursuant to **Federal Rule of Civil Procedure 4(m)**. In support thereof, Plaintiff states as follows:

## I. INTRODUCTION

1. Plaintiff initially filed this action in good faith, seeking redress for securities fraud, breach of fiduciary duty, and regulatory failures that directly caused financial harm.
2. Since filing, **Plaintiff has suffered the profound loss of her mother January 12, 2025**, which has significantly impacted her ability to focus on and refine the details of her claims.
3. Due to the emotional toll and the evolving understanding of key issues, Plaintiff has undertaken a **comprehensive revision of her complaint** to more accurately reflect the legal claims and supporting facts.

## II. REQUEST FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

4. Plaintiff has **removed certain defendants** initially named in the complaint and has **added the U.S. Securities and Exchange Commission (SEC)** back in after removing them in the first amended complaint.
5. The **Second Amended Complaint contains material revisions**, including a **restructured argument, clarification of claims, and additional legal citations**, which better define the nature of the fraud, regulatory failure, and harm suffered by Plaintiff.
6. These amendments are necessary to ensure the **most precise and just presentation of the facts** and do not unduly prejudice any party.

7. The amendments were made **in good faith** and are not intended to cause unnecessary delay but to ensure that the **Court has the most accurate and complete information** before proceeding.
8. Under **Federal Rule of Civil Procedure 15(a)(2)**, leave to amend should be **freely given when justice so requires**.

### III. REQUEST FOR EXTENSION OF TIME TO SERVE DEFENDANTS

9. Plaintiff originally filed this action on **December 6, 2024**, making the **90-day service deadline March 6, 2025**, pursuant to **Federal Rule of Civil Procedure 4(m)**.
10. Given that the **Second Amended Complaint modifies the list of defendants, including the removal of certain parties, the reassertion of claims against the SEC, and other substantial revisions, and will not be ready prior to the 90-day deadline**, including the removal of certain defendants and the reassertion of claims against the SEC, Plaintiff requests **an extension of time to serve the remaining defendants beyond the original 90-day deadline**.
11. Courts have discretion to extend the time for service under **Rule 4(m)** where good cause exists. Good cause is demonstrated here because:
  - Plaintiff has been actively working to amend the complaint to ensure the most accurate and just legal claims are asserted.
  - The complexity of the claims and the necessary modifications require additional time to finalize and properly serve all named defendants.
  - The requested extension is not sought for delay but to ensure proper due process and compliance with federal procedural rules.
12. Plaintiff respectfully requests that the **Court confirm that the 90-day service period be extended** so that service can be completed based on the newly filed Second Amended Complaint.

### IV. CONCLUSION

13. "Plaintiff respectfully requests that this **Court grant leave to file the Second Amended Complaint**. Once finalized, it will be submitted to the Court as an exhibit."
14. Plaintiff further requests that this Court **extend the deadline for service of process beyond March 6, 2025**, to allow Plaintiff sufficient time to serve all remaining and newly named defendants in the Second Amended Complaint.
15. Plaintiff requests any other relief this Court deems just and proper.

Respectfully submitted,

Signed by:

Danielle Spears

Danielle D. Spears

Plaintiff, Pro Se

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**CERTIFICATE OF SERVICE**

I certify that on this 27th day of February, 2024, I caused a copy of the foregoing Motion for Leave to File Second Amended Complaint and Extension of Time to Serve Defendants to be served on all parties via the Court's electronic filing system and/or via U.S. Mail.

**Danielle D. Spears**  
Plaintiff, Pro Se